



March 14, 2003

ENGROSSED HOUSE BILL No. 1056

DIGEST OF HB 1056 (Updated March 12, 2003 3:31 PM - DI 71)

Citations Affected: IC 1-2; IC 4-6; IC 20-10.1.

Synopsis: State and American flags; national motto; moment of silence. Specifies that a worn out state flag should be disposed of in a dignified way. Authorizes a public school corporation to display the motto of the United States, "In God We Trust", in a conspicuous place in the main entrance of each building of the school corporation. Authorizes the display of a United States flag in each classroom of a school corporation and allows a school corporation to provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance, with an exemption for those students who choose (or whose parents choose for them) not to participate in the pledge. Allows a school corporation to establish the daily observance of a 30 second period of silence in each classroom. Provides that if the governing body of a school corporation has not established a policy concerning the pledge of allegiance or a period of silence, a principal or teacher may establish a policy. Requires the attorney general to defend all suits challenging the constitutionality of the display of the motto, recitation of the Pledge, and the moment of silence. Repeals a current law allowing an optional brief period of silent prayer or meditation.

Effective: Upon passage; July 1, 2003.

Goodin, Ruppel

(SENATE SPONSORS — NUGENT, SIPES, MEEKS R,
YOUNG R MICHAEL)

January 7, 2003, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

February 6, 2003, amended, reported — Do Pass.

February 13, 2003, read second time, amended, ordered engrossed.

February 14, 2003, engrossed.

February 17, 2003, read third time, passed. Yeas 89, nays 2.

SENATE ACTION

February 24, 2003, read first time and referred to Committee on Education and Career Development.

March 13, 2003, amended, reported favorably — Do Pass.

EH 1056—LS 6363/DI 108+



C
o
p
y

March 14, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1056

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 1-2-3-6 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2003]: **Sec. 6. A state flag, when it is in such condition that it is no**
4 **longer a fitting emblem for display, should be destroyed in a**
5 **dignified way, in the manner prescribed for the destruction of an**
6 **American flag.**

7 SECTION 2. IC 4-6-2-1.7 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: **Sec. 1.7. The attorney general shall defend all**
10 **suits challenging the constitutionality of IC 20-10.1-2-7,**
11 **IC 20-10.1-4-0.5, and IC 20-10.1-4-3.5.**

12 SECTION 3. IC 20-10.1-2-7 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: **Sec. 7. (a) As used in this section, "motto"**
15 **refers to the national motto of the United States as adopted by**
16 **Congress, as defined by the Code of Federal Regulations Title 36,**
17 **Subtitle I, Part A, Chapter 3, Sec. 302.**

EH 1056—LS 6363/DI 108+



C
o
p
y

(b) The governing body of each school corporation may display the motto:

- (1) in English;
- (2) in such a manner that the wording is legible to most people from a distance of twenty (20) feet; and
- (3) in a conspicuous place in the main entrance of each building of the school corporation.

(c) The display must include:

- (1) the phrase "The National Motto of the United States of America, adopted by Congress"; and
- (2) the date of adoption of the motto by Congress;

as part of the display.

(d) The governing body of a school corporation may not use any public funds to pay the costs of a display under this section if donations are available for payment of the costs.

SECTION 4. IC 20-10.1-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. (a) The United States flag and the Indiana state flag may be displayed in each classroom of each school in a school corporation.**

(b) The governing body of each school corporation may provide a daily opportunity in each classroom of the school corporation for students to voluntarily recite the Pledge of Allegiance. A student is exempt from participation in the recitation of the Pledge of Allegiance and may not be required to participate in the recitation of the Pledge of Allegiance if:

- (1) the student chooses not to participate; or
- (2) the student's parent chooses not to have the student participate.

(c) This subsection applies if the governing body of a school corporation has not adopted a policy under subsection (b). The following individuals may establish a policy that conforms with the requirements set forth in subsection (b):

- (1) The principal of a school may establish a policy for a school building.
- (2) A teacher may establish a policy for the teacher's classroom, if the principal of the school in which the teacher teaches has not established a policy.

If the governing body of the school corporation establishes a policy after a principal or teacher has established a policy, the principal or teacher must follow the governing body's policy.

SECTION 5. IC 20-10.1-4-3.5 IS ADDED TO THE INDIANA



C
o
p
y

CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2003]: **Sec. 3.5. (a) In order to guarantee the right of every pupil to the free exercise of religion within the schools and to subject the freedom of each individual pupil to the least possible pressure from the state either to engage in or to refrain from religious observance on school grounds, the governing body of each school corporation may establish the daily observance of a thirty (30) second period of silence in each classroom of the school corporation.**

(b) During the thirty (30) second period of silence that subsection (a) provides, the teacher responsible for a classroom shall ensure that all students remain seated and silent and make no distracting display to the end that each student may, in the exercise of the student's individual choice, engage in any silent activity that does not interfere with, distract, or impede other students in their exercise of individual choice.

(c) This subsection applies if the governing body of a school corporation has not adopted a policy under subsection (a). The following individuals may establish a policy that conforms with the requirements set forth in subsection (b):

(1) The principal of a school may establish a policy for a school building.

(2) A teacher may establish a policy for the teacher's classroom, if the principal of the school in which the teacher teaches has not established a policy.

If the governing body of the school corporation establishes a policy after a principal or teacher has established a policy, the principal or teacher must follow the governing body's policy.

SECTION 6. IC 20-10.1-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 8. ~~Voluntary Religious Observance = Authorized.~~ A voluntary religious observance is permitted in each school corporation if the school corporation follows sections 9 and 10 and 11 of this chapter and any additional procedures which it adopts to assure that the observance is voluntary.**

SECTION 7. IC 20-10.1-7-11 IS REPEALED [EFFECTIVE JULY 1, 2003].

SECTION 8. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1056, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "preferably by burning." and insert **"in the manner prescribed for the destruction of an American flag."**

Page 1, after line 5, begin a new paragraph and insert:

"SECTION 2. IC 20-10.1-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 0.5. (a) The United States flag may be displayed in each classroom of each school in a school corporation.

(b) The governing body of each school corporation may provide a daily opportunity in each classroom of the school corporation for students to voluntarily recite the Pledge of Allegiance. A student is exempt from participation in the recitation of the Pledge of Allegiance and may not be required to participate in the recitation of the Pledge of Allegiance if:

- (1) the student chooses not to participate; or**
- (2) the student's parent chooses not to have the student participate.**

SECTION 3. IC 20-10.1-4-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.5. (a) In order to guarantee the right of every pupil to the free exercise of religion within the schools and to subject the freedom of each individual pupil to the least possible pressure from the state either to engage in or to refrain from religious observation on school grounds, the governing body of each school corporation may establish the daily observance of a thirty (30) second period of silence in each classroom of the school corporation.

(b) During the thirty (30) second period of silence that subsection (a) provides, the teacher responsible for a classroom shall ensure that all students remain seated and silent and make no distracting display to the end that each student may, in the exercise of the student's individual choice, engage in any silent activity that does not interfere with, distract, or impede other students in their exercise of individual choice.

SECTION 4. IC 20-10.1-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. ~~Voluntary Religious Observance~~ = ~~Authorized~~. A voluntary religious observance is

C
o
p
y



permitted in each school corporation if the school corporation follows sections 9 **and** 10 ~~and 11~~ of this chapter and any additional procedures which it adopts to assure that the observance is voluntary.

SECTION 5. IC 20-10.1-7-11 IS REPEALED [EFFECTIVE JULY 1, 2003].".

and when so amended that said bill do pass.

(Reference is to HB 1056 as introduced.)

LYTLE, Chair

Committee Vote: yeas 13, nays 0.

C
o
p
y

EH 1056—LS 6363/DI 108+



HOUSE MOTION

Mr. Speaker: I move that House Bill 1056 be amended to read as follows:

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"(c) This subsection applies if the governing body of a school corporation has not adopted a policy under subsection (b). The following individuals may establish a policy that conforms with the requirements set forth in subsection (b):

(1) The principal of a school may establish a policy for a school building.

(2) A teacher may establish a policy for the teacher's classroom, if the principal of the school in which the teacher teaches has not established a policy.

If the governing body of the school corporation establishes a policy after a principal or teacher has established a policy, the principal or teacher must follow the governing body's policy."

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"(c) This subsection applies if the governing body of a school corporation has not adopted a policy under subsection (a). The following individuals may establish a policy that conforms with the requirements set forth in subsection (b):

(1) The principal of a school may establish a policy for a school building.

(2) A teacher may establish a policy for the teacher's classroom, if the principal of the school in which the teacher teaches has not established a policy.

If the governing body of the school corporation establishes a policy after a principal or teacher has established a policy, the principal or teacher must follow the governing body's policy."

(Reference is to HB 1056 as printed February 7, 2003.)

GOODIN

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1056, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 4-6-2-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. The attorney general shall defend all suits challenging the constitutionality of IC 20-10.1-2-7, IC 20-10.1-4-0.5, and IC 20-10.1-4-3.5.**

SECTION 3. IC 20-10.1-2-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) As used in this section, "motto" refers to the national motto of the United States as adopted by Congress, as defined by the Code of Federal Regulations Title 36, Subtitle I, Part A, Chapter 3, Sec. 302.**

(b) The governing body of each school corporation may display the motto:

- (1) in English;**
- (2) in such a manner that the wording is legible to most people from a distance of twenty (20) feet; and**
- (3) in a conspicuous place in the main entrance of each building of the school corporation.**

(c) The display must include:

- (1) the phrase "The National Motto of the United States of America, adopted by Congress"; and**
- (2) the date of adoption of the motto by Congress;**

as part of the display.

(d) The governing body of a school corporation may not use any public funds to pay the costs of a display under this section if donations are available for payment of the costs."

Page 1, line 9, after "flag" insert **"and the Indiana state flag"**.

Page 3, after line 10, begin a new paragraph and insert:

"SECTION 8. An emergency is declared for this act."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1056 as reprinted February 14, 2003.)

KENLEY, Chairperson

Committee Vote: Yeas 8, Nays 2.

EH 1056—LS 6363/DI 108+



C
o
p
y